

FILED

OCT 16 2018

Clerk, U.S. District Court
District Of Montana
Great Falls

UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUSTIN LEE RYAN,

Defendant.

Case No. CR-18-35-GF-BMM-JTJ

FINDINGS RECOMMENDATION
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of Possession with Intent to Distribute Methamphetamine in violation of 21 U.S.C. §841(a)(1) and 18 USC 2, as set forth in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss counts II and III of the Indictment previously filed in this matter. Defendant also agrees to abandon all right, title and interest in the property described in the Forfeiture Allegation contained in the indictment.

After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering an informed and voluntary plea to the criminal count charged against him in Count I,

and an informed and voluntary admission to the allegation of forfeiture;

2. That the Defendant is aware of the nature of the charge against him and the consequences of pleading guilty to the charge in Count I;

3. That the Defendant understands the allegation of forfeiture and the consequences of admitting to the allegation;


4. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty to the criminal count charged in Count I against him, and admitting to the allegation of forfeiture;

5. That both the plea of guilty to the criminal count charged in Count I against him and his admission to the allegation of forfeiture are knowingly and voluntarily entered, and are both supported by independent factual grounds sufficient to prove each of the essential elements of the criminal count charged and the legal basis for the forfeiture.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of the criminal charge in Count I, set forth in the Indictment, and that sentence be imposed. I further recommend the agreed forfeiture be imposed against Defendant. Finally, I recommend that Counts II and III of the Indictment be dismissed.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.

DATED this 16th day of October, 2018.



John Johnston
United States Magistrate Judge